

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Brian L. Turner,) Civil Action No. 8:04-cv-22454-CMC-BHH
Plaintiff,)
vs.) **REPORT OF MAGISTRATE JUDGE**
Director John Ozmint, SC Dept. of)
Corrections; Robert Bollinger, Warden,)
Of Trenton C.I.; John Doe, aka SCDC/)
Trenton C.I. staff physician; Jane Doe;)
and Richard Roe, aka Major Battle,)
Head of Trenton C.I. security,)
Defendants.)

The plaintiff is proceeding in this action *pro se*. On June 3, 2005, the defendants filed a motion for summary judgment. On June 7, 2005, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. Despite this explanation, the plaintiff elected not to respond to the motion.

As the plaintiff is proceeding *pro se*, the court filed a second order on August 30, 2005, giving the plaintiff through September 22, 2005, to file his response to the motion for summary judgment. The plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The plaintiff elected not to respond.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in

Chandler Leasing Corp. v. Lopez, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

s/Bruce H. Hendricks
United States Magistrate Judge

January 4, 2006
Greenville, South Carolina